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November 2

Mrs. Edna A. Elwell, Secretary
Teachers' Retirement System
State House Annex
Concord, New Hampshire

Dear Mrs. Elwell:

This is in response to your request of October 31 for our opinion as to the propriety of destroying certain records accumulated by the Teachers' Retirement System.

It is the opinion of this office that all records, memoranda, writings, entries, etc., in any way connected with the performance of any duty imposed by law on the retirement system must be preserved, since no legislative authorization for their destruction exists. Without attempting to enumerate all instances of legislative authorization to state departments relative to the destruction of official records, your attention is invited to the following provisions: RSA 3:6 (Comptroller); RSA 125:12 (Health Department); RSA 259:12 (Motor Vehicle Department); and RSA 6:6 (State Treasurer).

Miscellaneous correspondence which is in no way connected with the performance of duties of the system may of course be destroyed if in your opinion preservation can serve no useful purpose.

It should be noted in passing that under the provisions of RSA, chapter 520, the originals of certain records, memoranda, writings, etc., of state departments and agencies may be destroyed if, in the regular course of business, photostats or other enumerated reproductions are made. From our recent conversation relative to this matter it is my impression that you do not contemplate photostating the originals and hence the applicability of that chapter is not considered.

In the event that you desire to introduce legislation with reference to this problem we will be glad to work with you in its preparation.

Very truly yours

Elmer T. Bourque
Assistant Attorney General

ETB/T